IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4297/2006

SUBHASH CHANDRA JAKHAD Vs. STATE OF RAJASTHAN & ANR.

DATE: 24.07.2007

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Anoop Dhand for the petitioner.
Mr. R.A. Katta for the respondent MDS University.

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The only controversy in this matter is that the petitioner appeared in the P.T.E.T. Examinations, 2006 conducted on 30.04.2006. The question paper which was circulated to the petitioner, 43 questions were not printed in it and, therefore, he could not attend these 43 questions. The petitioner to this effect made a complaint to the Invigilator immediately, but the Invigilator has not considered the complaint of the petitioner and the petitioner has no option other than to answer the question paper which was provided to him. Therefore, this writ petition has been filed by the petitioner with the prayer that he may be awarded 129 bonus marks for these 43 questions which were not printed in the question paper of PTET Examinations, 2006 circulated to the petitioner and after awarding

129 bonus marks, the petitioner be assigned appropriate place in the merit list.

Per contra, learned counsel appearing for the respondent MDS University has categorically denied the submissions made on behalf of the petitioner and submitted that as per Instruction No.1 mentioned in the question paper, it is the duty of the petitioner to see whether the question paper so provided to the petitioner, is duly printed and contains all questions or not?

It is also contended that the petitioner made a complaint after 50 minutes of circulating the question paper and by that time, the Invigilator had already returned the remaining question papers and at the time of complaint the Invigilator was not having extra question paper, therefore, contrary to the Instruction No.1 mentioned in the question paper, the petitioner has not made complaint well within time. It is further submitted that before the examination, 5 minutes time from 1.55 p.m. to 2.00 p.m. were given to the candidates for reading the instructions and the question paper and thereafter at 2.00 p.m. they started to solve the question paper and if they found any mistake in the question paper, they should inform the Invigilator, which has not been done by the

petitioner, therefore, he is not entitled to get any relief even bonus marks, as claimed by the petitioner.

Learned counsel for the petitioner was also asked by this Court that under which rule the petitioner is entitled to get the bonus marks, but he was unable to answer the pertinent query.

In view of these facts, the petitioner is not entitled for any relief, as claimed in the writ petition, as the petitioner himself is not vigilant about his rights and has not followed the Instruction No.1 mentioned in the question paper. Thus, I find no merit in this writ petition.

Consequently, the writ petition fails and the same is hereby dismissed.

The interim order dated 02.06.2006 granted by this Court also stands rejected.

(K.S. RATHORE),J.

/KKC/